

Calendar No. 29

116TH CONGRESS
1ST SESSION**H. R. 8**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

Received; read the first time

MARCH 4, 2019

Read the second time and placed on the calendar

AN ACT

To require a background check for every firearm sale.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bipartisan Back-
5 ground Checks Act of 2019”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to utilize the current back-
8 ground checks process in the United States to ensure indi-
9 viduals prohibited from gun possession are not able to ob-
10 tain firearms.

1 **SEC. 3. FIREARMS TRANSFERS.**

2 Section 922 of title 18, United States Code, is
3 amended—

4 (1) by striking subsection (s);

5 (2) by redesignating subsection (t) as sub-
6 section (s); and

7 (3) by inserting after subsection (s), as redesign-
8 nated, the following:

9 “(t)(1)(A) It shall be unlawful for any person who
10 is not a licensed importer, licensed manufacturer, or li-
11 censed dealer to transfer a firearm to any other person
12 who is not so licensed, unless a licensed importer, licensed
13 manufacturer, or licensed dealer has first taken possession
14 of the firearm for the purpose of complying with sub-
15 section (s).

16 “(B) Upon taking possession of a firearm under sub-
17 paragraph (A), a licensee shall comply with all require-
18 ments of this chapter as if the licensee were transferring
19 the firearm from the inventory of the licensee to the unli-
20 censed transferee.

21 “(C) If a transfer of a firearm described in subpara-
22 graph (A) will not be completed for any reason after a
23 licensee takes possession of the firearm (including because
24 the transfer of the firearm to, or receipt of the firearm
25 by, the transferee would violate this chapter), the return
26 of the firearm to the transferor by the licensee shall not

1 constitute the transfer of a firearm for purposes of this
2 chapter.

3 “(2) Paragraph (1) shall not apply to—

4 “(A) a law enforcement agency or any law en-
5 forcement officer, armed private security profes-
6 sional, or member of the armed forces, to the extent
7 the officer, professional, or member is acting within
8 the course and scope of employment and official du-
9 ties;

10 “(B) a transfer that is a loan or bona fide gift
11 between spouses, between domestic partners, be-
12 tween parents and their children, including step-par-
13 ents and their step-children, between siblings, be-
14 tween aunts or uncles and their nieces or nephews,
15 or between grandparents and their grandchildren, if
16 the transferor has no reason to believe that the
17 transferee will use or intends to use the firearm in
18 a crime or is prohibited from possessing firearms
19 under State or Federal law;

20 “(C) a transfer to an executor, administrator,
21 trustee, or personal representative of an estate or a
22 trust that occurs by operation of law upon the death
23 of another person;

24 “(D) a temporary transfer that is necessary to
25 prevent imminent death or great bodily harm, in-

1 cluding harm to self, family, household members, or
2 others, if the possession by the transferee lasts only
3 as long as immediately necessary to prevent the im-
4 minent death or great bodily harm, including the
5 harm of domestic violence, dating partner violence,
6 sexual assault, stalking, and domestic abuse;

7 “(E) a transfer that is approved by the Attor-
8 ney General under section 5812 of the Internal Rev-
9 enue Code of 1986; or

10 “(F) a temporary transfer if the transferor has
11 no reason to believe that the transferee will use or
12 intends to use the firearm in a crime or is prohibited
13 from possessing firearms under State or Federal
14 law, and the transfer takes place and the trans-
15 feree’s possession of the firearm is exclusively—

16 “(i) at a shooting range or in a shooting
17 gallery or other area designated for the purpose
18 of target shooting;

19 “(ii) while reasonably necessary for the
20 purposes of hunting, trapping, or fishing, if the
21 transferor—

22 “(I) has no reason to believe that the
23 transferee intends to use the firearm in a
24 place where it is illegal; and

1 “(II) has reason to believe that the
2 transferee will comply with all licensing
3 and permit requirements for such hunting,
4 trapping, or fishing; or

5 “(iii) while in the presence of the trans-
6 feror.

7 “(3)(A) Notwithstanding any other provision of this
8 chapter, the Attorney General may implement this sub-
9 section with regulations.

10 “(B) Regulations promulgated under this paragraph
11 may not include any provision requiring licensees to facili-
12 tate transfers in accordance with paragraph (1).

13 “(C) Regulations promulgated under this paragraph
14 may not include any provision requiring persons not li-
15 censed under this chapter to keep records of background
16 checks or firearms transfers.

17 “(D) Regulations promulgated under this paragraph
18 may not include any provision placing a cap on the fee
19 licensees may charge to facilitate transfers in accordance
20 with paragraph (1).

21 “(E) Regulations promulgated under this paragraph
22 shall include, in the case of a background check conducted
23 by the national instant criminal background check system
24 in response to a contact from a licensed importer, licensed
25 manufacturer, or licensed dealer, which background check

1 indicates that the receipt of a firearm by a person would
2 violate subsection (g)(5), a requirement that the system
3 notify U.S. Immigration and Customs Enforcement.

4 “(4) It shall be unlawful for a licensed importer, li-
5 censed manufacturer, or licensed dealer to transfer posses-
6 sion of, or title to, a firearm to another person who is
7 not so licensed unless the importer, manufacturer, or deal-
8 er has provided such other person with a notice of the
9 prohibition under paragraph (1), and such other person
10 has certified that such other person has been provided
11 with this notice on a form prescribed by the Attorney Gen-
12 eral.”.

13 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) SECTION 922.—Section 922(y)(2) of title 18,
15 United States Code, is amended in the matter preceding
16 subparagraph (A) by striking “, (g)(5)(B), and
17 (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

18 (b) CONSOLIDATED AND FURTHER CONTINUING AP-
19 PROPRIATIONS ACT, 2012.—Section 511 of title V of divi-
20 sion B of the Consolidated and Further Continuing Appro-
21 priations Act, 2012 (18 U.S.C. 922 note) is amended by
22 striking “subsection 922(t)” each place it appears and in-
23 serting “subsection (s) or (t) of section 922”.

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